

REMARKS

In the December 15, 2006 Office Action, the Examiner noted that claims 15-33, 36 and 37 are pending in the application; objected to claims 17-32 as reciting allowable subject matter, but dependent from a rejected base claim; and rejected claims 15, 16, 33, 36 and 37 relying on U.S. Patent Application Publication 204/024276 (presumably, 2004/024276) by Kashiwagi et al. (hereinafter, Kashiwagi) in view of two other prior art references.

The Examiner's attention is directed to the filing date of March 17, 2004 for Kashiwagi. This date is after the July 16, 2003 filing date of the international application upon which the subject U.S. application is based. The August 12, 2005 date of completion of all 35 U.S.C. § 371 for the subject application (see the attached Notice of Acceptance of Application) is the effective date of the subject application as a reference against other U.S. patent applications under 35 U.S.C. § 102(e). Under 35 U.S.C. § 363, "[a]n international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) ..." In other words, the effective filing date for the purpose of examination of the subject application is July 16, 2003 which is several months earlier than the March 17, 2004 filing date of Kashiwagi. Thus, Kashiwagi is not prior art and the rejections of claims 15, 16, 33, 36 and 37 should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/524,289

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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